



City Council Meeting Draft Minutes

Tuesday, January 28, 2025

1:30 PM

Council Chambers

MATI MAHAN, MAYOR
ROSEMARY KAMEI, DISTRICT 1
PAMELA CAMPOS, DISTRICT 2
VACANT, DISTRICT 3
DAVID COHEN, DISTRICT 4
PETER ORTIZ, DISTRICT 5
MICHAEL MULCAHY, DISTRICT 6
BIEN DOAN, DISTRICT 7
DOMINGO CANDELAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
GEORGE CASEY, DISTRICT 10

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session. *See Pages 17-19 for Closed Session Minutes.*

Present: Councilmembers: Mahan, Kamei, Campos, Cohen, Ortiz,
Mulcahy, Doan, Candelas, Foley, Casey.

Absent Councilmembers: None.

1:39 p.m.- Regular Session.

Present Councilmembers: Mahan, Kamei, Campos, Cohen, Ortiz, Mulcahy,
Doan, Candelas, Foley (present after roll call), Casey.

Absent Councilmembers: None.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 1)**

Frank Silverii, Senior Pastor at Bethel Church San José, offered the invocation with an encouraging message.

- **Orders of the Day**

None provided.

- **Adjournment Recognition**

Mayor Matt Mahan announced the meeting will be adjourned in memory of Warren Eric Upton, who passed away on December 25, 2024. Warren Upton, a longtime San Jose resident and 105-year-old World War II Veteran, was the oldest living survivor of the 1941 attack on Pearl Harbor. Mr. Upton's bravery and dedication to his Naval service exemplify the spirit of service we honor today.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 Councilmember David Cohen presented a proclamation recognizing January 27, 2025, as International Holocaust Remembrance Day in the City of San Jose, in honor of holocaust survivors and victims.
- 1.2 Councilmember Bien Doan presented a proclamation declaring January 29, 2025 as Vietnamese (Tet Celebration) New Year to recognize the Vietnamese population in San Jose and welcome the Lunar New Year.
- 1.3 Councilmember Pam Foley presented a commendation recognizing the San Jose Symphonic Choir for 100 years of enriching, educating, and entertaining our city through music.

2. CONSENT CALENDAR

Councilmember Mulcahy and Councilmember Casey recused themselves from Item 2.14.

Item 2.14 was pulled for a separate vote.

Councilmember Cohen pulled Item 2.16 for comment.

Public Comment: None provided.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, the Consent Calendar was approved, *excluding Item 2.14, which was voted on separately*. The below actions were taken as indicated. (10-0-0)

2.1 Approval of City Council Minutes.

Approval of City Council Minutes.

- (a) Regular City Council Meeting Minutes of December 5, 2023.
- (b) Regular City Council Meeting Minutes of January 9, 2024.
- (c) Regular City Council Meeting Minutes of January 30, 2024.
- (d) Regular City Council Meeting Minutes of February 27, 2024.

CEQA: Not a Project, File No. PPI7-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The above mentioned City Council Minutes were approved. (10-0-0)

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

None provided.

2.4. Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Amendment to the Lease and Specialized Aviation Service Operations Agreement with SJC Hangars, LLC.

Approve the first amendment to the lease and specialized aviation service operations agreement between the City of San Jose and SJC Hangars LLC (dba Sky Harbour) to include provisions to address potential construction delays if the required approvals and associated environmental review to build additional hangar space are not received within the first two years of the executed agreement.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

Action: The first amendment to the lease and specialized aviation service operations agreement between the City of San Jose and SJC Hangars LLC, was approved. (10-0-0)

2.8 Terms of a Side Letter Agreement Between the City of San Jose and the City Association of Management Personnel and Amending the City of San Jose Pay Plan.

Adopt a resolution:

(a) Approving the terms of a Side Letter Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) to provide employees in the Senior Hazardous Materials Inspector classification with an approximate 15.75% pensionable base pay increase consistent with the Side Letter Agreement that all parties have signed; and

(b) Amending the City of San Jose Pay Plan effective February 2, 2025, to increase the pensionable salary range of the classifications of Senior Hazardous Materials Inspector (2323) to \$130,998.40 - \$159,681.60 annually.

CEQA: Not a Project, File No. PP17-010, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

Action: **Resolution No. RES2025-4** was adopted, (a) approving the terms of a Side Letter Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP); and (b) amending the City of San Jose Pay Plan. (10-0-0)

2.9 Prevention, Awareness, and Wellness Support Program for the Bureau of Field Operations in the San Jose Police Department.

Adopt a resolution approving the terms of a Side Letter Agreement between the City of San Jose and the San Jose Police Officers' Association for the implementation of the Prevention, Awareness, and Wellness Support Program in the San Jose Police Department's Bureau of Field Operations effective as soon as practicable.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment). (City Manager)

Action: **Resolution No. RES2025-5** was adopted, approving the terms of a Side Letter Agreement between the City of San Jose and the San Jose Police Officers' Association for the implementation of the Prevention, Awareness, and Wellness Support Program. (10-0-0)

2.10 Master Consultant Agreement with Luhdorff & Scalmanini Consulting Engineers, Inc. for Water Supply Support Services.

Approve a three-year term master consultant agreement with Luhdorff & Scalmanini Consulting Engineers, Inc. effective January 1, 2025, for as-needed water supply support services, with a total agreement amount not to exceed \$800,000, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

Action: The three-year term master consultant agreement with Luhdorff & Scalmanini Consulting Engineers, Inc. was approved. (10-0-0)

2.11 Master Consultant Agreement with Woodard & Curran, Inc. for Water Supply Support Services.

Approve a three-year term master consultant agreement with Woodard & Curran, Inc. for as-needed water supply support services, with a total agreement amount not to exceed \$800,000, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

Action: The three-year term master consultant agreement with Woodard & Curran, Inc., was approved. (10-0-0)

2.12 Amendment to the City Pay Plan for Various Classifications.

(a) Adopt a resolution amending the City of San Jose Pay Plan effective January 28, 2025, to create the following classifications:

- (1) Chief Water Systems Operator U (3649) with an annual pensionable salary range of \$146,000.00 - \$220,000.00; and
- (2) Chief Park Ranger (2429) classification with an annual pensionable salary range of \$131,060.80 - \$159,723.20.

(b) Approve the following position change in the Environmental Services Department:

- (1) Add 1.0 Chief Water Systems Operator.

(c) Approve the following position changes in the Parks, Recreation, and Neighborhood Services

Department: (1) Delete 1.0 Parks Manager; and (2) Add 1.0 Chief Park Ranger.

CEQA: Not a Project, File No. PPI7-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Environmental Services/Human Resources/Parks, Recreation, and Neighborhood Services/City Manager)

Action: (a) **Resolution No. RES2025-6** was adopted, amending the City of San Jose Pay Plan effective January 28, 2025, to create the following classifications: (1) Chief Water Systems Operator U (3649), and (2) Chief Park Ranger (2429); (b) the following position change in the Environmental Services Department was approved: (1) Add 1.0 Chief Water Systems Operator; and (c) the following position changes in the Parks, Recreation, and Neighborhood Services Department were approved: (1) Delete 1.0 Parks Manager; and (2) Add 1.0 Chief Park Ranger. (10-0-0)

2.13 Actions Related to the Purchase Orders with FFBH Motors, LLC and Sunnyvale Ford, Inc. for Ford Repairs, Maintenance, and Parts.

Adopt a resolution authorizing the City Manager or her designee to:

(a) Amend purchase orders OP 65806 with FFBH Motors, LLC (Santa Clara, CA), and OP 65807 with Sunnyvale Ford, Inc. (Sunnyvale, CA), for Ford repairs, maintenance, and parts to increase the total compensation by \$500,000, for a maximum compensation not-to-exceed \$1,200,000 for the period ending October 1, 2025; and

(b) Exercise up to six one-year options to extend the term of the purchase orders with the last option ending on or about October 1, 2031, subject to the appropriation of funds.

CEQA: Not a Project, File No. PPI7-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. RES2025-7** was adopted, authorizing the City Manager or her designee to: (a) amending purchase orders OP 65806 with FFBH Motors, LLC (Santa Clara, CA), and OP 65807 with Sunnyvale Ford, Inc. (Sunnyvale, CA), for Ford repairs, maintenance, and parts to increase the total compensation by \$500,000, for a maximum compensation not-to-exceed \$1,200,000 for the period ending October 1, 2025; and (b) exercising up to six one-year options to extend the term of the purchase orders with the last option ending on or about October 1, 2031, subject to the appropriation of funds. (10-0-0)

2.14 Actions Related to the Purchase Orders with Tom Lopes Distributing, Inc. dba Western States Oil Co. and Bosco Oil, Inc. dba Valley Oil Company for Fuel and Petroleum Products.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute purchase orders with Tom Lopes Distributing, Inc., dba Western States Oil Co. (San Jose, CA) and Bosco Oil, Inc., dba Valley Oil Company (Mountain View, CA) for fuel and petroleum products to extend services for one additional one-year option term for a total of ten options through January 31, 2026, subject to the appropriation of funds.

CEQA: Not a Project, File No. PPI7-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Item 2.14 was pulled from the Consent Calendar and was voted on separately.

Councilmember Michael Mulcahy recused himself from the Item, due to receiving a contribution over \$500.

Councilmember George Casey recused himself from the Item, due to receiving a contribution over \$500.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **Resolution No. RES2025-8** was adopted, authorizing the City Manager or her designee to negotiate and execute purchase orders with Tom Lopes Distributing, Inc., dba Western States Oil Co. (San Jose, CA) and Bosco Oil, Inc., dba Valley Oil Company (Mountain View, CA) for fuel and petroleum products to extend services for one additional one-year option term for a total of ten options through January 31, 2026, subject to the appropriation of funds. (8-0-2; Recused: Mulcahy, Casey)

2.15 Actions Related to the Purchase Order with Hi-Tech Emergency Vehicle Service, Inc. for Fire Apparatus Repairs, Preventative Maintenance, and Parts.

Adopt a resolution authorizing the City Manager or her designee to:

- (a) Amend purchase order OP 65674 with Hi-Tech Emergency Vehicle Service, Inc. (Oakdale, CA), for fire apparatus repairs, preventive maintenance, and parts to increase the total compensation by \$1,650,000, for a maximum compensation not-to-exceed \$2,000,000 for the period ending October 14, 2025;
- and (b) Exercise up to six one-year options to extend the term of the purchase order with the last option ending on or about October 14, 2031, subject to the appropriation of funds.

CEQA: Not a Project, File No. PPI7-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. RES2025-9** was adopted, authorizing the City Manager or her designee to: (a) amend purchase order OP 65674 with Hi-Tech Emergency Vehicle Service, Inc. (Oakdale, CA), for fire apparatus repairs, preventive maintenance, and parts to increase the total compensation by \$1,650,000, for a maximum compensation not-to-exceed \$2,000,000 for the period ending October 14, 2025; and (b) exercise up to six one-year options to extend the term of the purchase order with the last option ending on or about October 14, 2031, subject to the appropriation of funds. (10-0-0)

2.16 Approval of Exception to the City Council Multifamily Housing Revenue Bond Policy and Authorizing the Finance Department to Hold Tax Equity and Fiscal Responsibility Act of 1986 Public Hearings.

Adopt a resolution:

- (a) Authorizing exceptions to the City Council's Multifamily Housing Revenue Bond Policy, City Council Policy 1-16, for the issuance of Multifamily Housing Revenue Bonds due to special circumstances, thereby allowing the California Municipal Finance Authority to issue the bonds for the following developments:

- (1) Paseo Senter I, located at 1898 Senter Road;
- (2) Moreland Apartments, located at 4375 Payne Avenue; and
- (3) Eden Palms Apartments, located at 5398 Monterey Road.

- (b) Authorizing the Director of Finance to hold the Tax Equity and Fiscal Responsibility Act public hearings for Paseo Senter I, Moreland Apartments, and Eden Palms Apartments upon the receipt of California Debt Limit Allocation Committee debt allocations and the California Municipal Finance Agency's recycled bond allocations.

CEQA: Categorically Exempt, File No. ER24-246 (Exemption for Housing Rehabilitation Projects), CEQA Guidelines Section 15301, Existing Facilities. Council Districts 1, 2, and 7. (Housing/Finance)

Action: **Resolution No. RES2025-10** was adopted, (a) authorizing exceptions to the City Council's Multifamily Housing Revenue Bond Policy, City Council Policy 1-16, for the issuance of Multifamily Housing Revenue Bonds due to special circumstances, thereby allowing the California Municipal

Finance Authority to issue the bonds for the following developments: (1) Paseo Senter I, located at 1898 Senter Road; (2) Moreland Apartments, located at 4375 Payne Avenue; and (3) Eden Palms Apartments, located at 5398 Monterey Road; and (b) authorizing the Director of Finance to hold the Tax Equity and Fiscal Responsibility Act public hearings for Paseo Senter I, Moreland Apartments, and Eden Palms Apartments upon the receipt of California Debt Limit Allocation Committee debt allocations and the California Municipal Finance Agency's recycled bond allocations. (10-0-0)

2.17 Acceptance of the Bureau of Justice Assistance Fiscal Year 2024 National Sexual Assault Kit Initiative Grant.

(a) Adopt a resolution accepting the 2024 Bureau of Justice Assistance National Sexual Assault Kit Initiative grant in the amount of \$2,500,000 and authorizing the City Manager or her designee to execute the grant agreement, additional amendments, and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Establish the 2024 National Sexual Assault Kit Initiative City-Wide Expenses appropriation to the Police Department in the amount of \$702,138; and

(2) Increase the estimate for Revenue from Federal Government by \$702,138.

CEQA: Not a Project, File No. PPI7-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/City Manager)

Action: (a) **Resolution No. RES2025-11** was adopted, accepting the 2024 Bureau of Justice Assistance National Sexual Assault Kit Initiative grant in the amount of \$2,500,000 and authorizing the City Manager or her designee to execute the grant agreement, additional amendments, and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action; and (b) **Ordinance No. 31172** and (b) **Resolution No. RES2025-12** were adopted, (1) establishing the 2024 National Sexual Assault Kit Initiative City-Wide Expenses appropriation to the Police Department in the amount of \$702,138; and (2) increasing the estimate for Revenue from Federal Government by \$702,138. (10-0-0)

2.18 Actions Related to the 2024 California Governor's Office of Emergency Services Internet Crimes Against Children Task Force Grant.

(a) Adopt a resolution accepting the 2024 California Governor's Office of Emergency Services Internet Crimes Against Children Task Force Grant in the amount of \$950,000; and authorize the City Manager or her designee to execute any grant agreements, amendments, and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action.

(b) Adopt the following 2024-2025 Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund:

(1) Establish the Internet Crimes Against Children State Grant 2024-2025 City-Wide Expenses appropriation to the Police Department in the amount of \$759,783; and

(2) Increase the estimate for Revenue from the State of California by \$759,783.

CEQA: Not a Project, File No. PPI7-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/City Manager)

Action: (a) **Resolution No. RES2025-13** was adopted, accepting the 2024 California Governor's Office of Emergency Services Internet Crimes Against Children Task Force Grant in the amount of \$950,000; and authorizing the City Manager or her designee to execute any grant agreements, amendments, and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action; and (b) **Ordinance No. 31173** and (b) **Resolution No. RES2025-14** were adopted, (1) establishing the Internet Crimes Against Children State Grant 2024-2025 City-Wide Expenses appropriation to the Police Department in the amount of \$759,783, and (2) increasing the estimate for Revenue from the State of California by \$759,783. (10-0-0)

2.19 Report on Bids and Award of Contract for the 10293-Sanitary Sewer Repairs Fiscal Year 2023-2024 Package II Project.

(a) Report on bids and award of contract for the construction of 10293-Sanitary Sewer Repairs Fiscal Year 2023-2024 Package II Project, to the lowest responsive, responsible bidder, Nor-Cal Pipeline Services, Inc., in the amount of \$3,368,542; and

(b) Approve a 10% contingency in the amount of \$336,854.

CEQA: Exempt, File No. ER23-189, CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. Council Districts 3, 5, and 6. (Public Works)

Action: (a) The report on bids and award of contract for the construction of 10293-Sanitary Sewer Repairs Fiscal Year 2023-2024 Package II Project, to the lowest responsive, responsible bidder, Nor-Cal Pipeline Services, and (b) a 10% contingency were approved. (10-0-0)

2.20 Request for Travel Authorization for Mayor.

As recommended by the Rules and Open Government Committee on January 22, 2025, authorize travel for Mayor Mahan to attend the Bay Area Host Committee Events in New Orleans, Louisiana on February 7-10, 2025. Source of Fund: Mayor/Council Travel Budget.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 1/22/2025 - Item B.6]

Action: The request for travel authorization for Mayor Matt Mahan was approved. (10-0-0)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)

City Manager, Jennifer Maguire, offered a verbal report highlighting the release of the administration's *Year in Review* videos. For the second consecutive year, the City of San José showcases the accomplishments, challenges, and milestones from the past fiscal year. These videos aim to emphasize the City's dedication to improving the quality of life for all residents. This includes Community Development, Public Safety, and Transportation.

3.2 Labor Negotiations Update.

None provided.

3.3 Appointment of Vice Mayor.

Approve the appointment of Councilmember Pam Foley as Vice Mayor.

CEQA: Not a Project, File No. PPI7-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

Public Comment: None provided.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Bien Doan, and carried unanimously, the appointment of Councilmember Pam Foley as the Vice Mayor was approved. (10-0-0)

Councilmember Pam Foley will now be referred to as Vice Mayor Pam Foley for the remainder of the prepared minutes, including Items 3.4 and 3.5.

3.4 Annual Report on City Services 2023-2024.

Accept the Annual Report on City Services for 2023-2024.

CEQA: Not a Project, File No. PPI7-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

Public Comment: None provided.

Joe Rois, City Auditor, City Auditor’s Office; Alison Pauly, Supervising Auditor, City Auditor’s Office; Omar Passons, Deputy City Manager, City Manager’s Office; Erik Solivan, Director, Housing Department; Khaled Tawfik, Director, Information Technology; Paul Joseph, Police Chief, San José Police Department; Chris Burton, Director, Planning, Building, and Code Enforcement; Marisa Diaz, Executive Analyst, City Manager’s Office; and Robert Sapien, Fire Chief, San José Fire Department offered the presentation and/or responded to questions from Council.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember David Cohen, and carried unanimously, the Annual Report on City Services for 2023-2024 was accepted. (10-0-0)

3.5 Interim Appointment to Council District 3. – HEARD LAST

- (a) Interview candidates for the interim appointment to Councilmember for District 3 on the San Jose City Council.
- (b) Consideration of appointment of candidate to a term as the Councilmember for District 3, to begin February 2, 2025 and end when a candidate has been duly elected in the next regularly scheduled election and the results of the election have been officially certified.

CEQA: Not a Project, File No. PPI7-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Mayor Matt Mahan announced a five-minute recess to allow staff to transition.

Mayor Matt Mahan offered an overview of the interview process for the District 3 interim appointment:

- The four applicants will be interviewed in a random order; during each round of questions, the applicants will rotate which applicant begins the next round of questions.

- Each applicant will provide an opening statement of up to three minutes.
- After the opening statement, each member of the City Council will be allowed to ask the applicant one question, and each applicant will have the opportunity to respond.
- Applicants will be allowed up to three minutes to respond.
- After opening statements and a single round of questions, Council will then turn to public comment.
- After public comment, Council will follow up with a single question, should they choose; applicant responses are set to two minutes.
- Council will then move to voting, with a goal to achieve a 2/3 vote from the City Council, which is *seven* votes.
- Successive rounds of voting will then occur, the applicant with the least amount of votes will get dropped at each round.
- If Council gets down to two candidates and is still unable to reach a 2/3 vote, the Council has the ability to go to a simple majority but will need to first achieve a simple majority to select an applicant as the appointed Councilmember.

Toni Taber, City Clerk, announced that the District 3 interim candidate selected to proceed with the interim appointment, will take their oath of office at end of the voting process.

Applicants were seated in the following order:

- 1.) Robert Staedler,
- 2.) Carl Eugene Salas,
- 3.) Danielle Marie Christian
- 4.) Jahmal Williams.

Robert Staedler was the first applicant to offer their opening statement; followed by Carl Eugene Salas, Danielle Marie Christian, and Jahmal Williams.

After the opening statements, Council then proceeded with questions for the applicants. Each Councilmember had the opportunity to ask one question, which was answered by each of the four applicants.

FIRST ROUND OF COUNCIL QUESTIONS

District 5

Councilmember Peter Ortiz asked the following question to all four applicants: How will you juggle the needs of the immigrant community as well as the needs of Downtown San José?

District 9

Vice Mayor Pam Foley asked the following question to all four applicants: Given that that the City is facing a \$60 million deficit this fiscal year, what decisions do you think your residents would want you to make regarding the budget? What areas would they want you to protect? Which areas would they advise you to reduce cost?

District 4

Councilmember David Cohen asked the following question to all four applicants: What do you see as the role? How would you interact with the residents and provide them with the service they need.

District 1

Councilmember Rosemary Kamei asked the following question to all four applicants: Describe your approach to policy making? What two things would you want to achieve in your time, in terms of policy?

District 8

Councilmember Domingo Candelas asked the following question to all four applicants: As a City Councilmember, how would you balance the needs of your district with the broader priorities of the entire City?

District 7

Councilmember Bien Doan asked the following question to all four applicants: How will you ensure ethical decision making in your role as a Councilmember?

District 10

Councilmember George Casey asked the following question to all four applicants: What considerations have you made in terms of staffing your office to get the ball rolling on day one?

The City Council Meeting recessed at 5:15 p.m. and reconvened at 5:25 p.m.

District 2

Councilmember Pamela Campos asked the following question to all four applicants: How will you rapidly learn about the key issues, priorities, and perspectives of District 3 residents to ensure that your decisions are reflecting their needs?

Mayor

Mayor Matt Mahan asked the following question to all four applicants: Can you please provide an example of a problem, or opportunity, in District 3 where you worked with fellow residents to find a solution to the problem?

The first round of candidate questions concluded.

Mayor Mahan transitioned to public comment, and announced that speakers had 90 seconds to speak.

Public Comment: Dr. Michael Dau, Alan Gouig, Myshanudriss Watkins, John Sweeney, Chike Nwoffiah, Milan Balinton, Laverne Foster, Jeremiah Lineberger, Yvonne Maxwell, Iheoma Umez-Eronini, Dr. Shaun Fletcher, Derek Grasty, Roxanne, Regina Celestin Williams, Sabrina Lamontagne, Malcolm, Tomara Hall, Edwin Sanchez, Alex Stettinski, Leah Toeniskoetter, Danny M., Steve Borkenhagen, Mark Greene, Steve Wymer, Kyne, Suzanne Rice, and three speakers (*names not provided on the record*) offered public comment.

SECOND ROUND OF COUNCIL QUESTIONS

Each Councilmember was given the opportunity to ask a question. Candidate answers were limited to two-minutes.

Mayor

Mayor Matt Mahan asked the following question to all four applicants: Can you describe a time that you set a goal, organized people to achieve the goal, and created accountability for an outcome?

Mayor Mahan transitioned to the first round of voting. Council was instructed to pick one choice from the four candidates.

Toni Taber, City Clerk, tallied the Council votes. Carl Eugene Salas received five Council votes; Jahmal Williams received four Council votes; Danielle Marie Christian received one Council vote; and Robert Staedler did not receive a vote.

Danielle Marie Christian and Robert Staedler were removed from the interview selection process; Carl Eugene Salas and Jahmal Williams were chosen to proceed in the next round of voting.

Council then proceeded to vote for one of the two remaining candidates.

Carl Eugene Salas received six votes; Jahmal Williams received four votes.

Mayor Mahan reiterated that a 2/3 majority vote (seven total votes) was originally set to appoint the interim District 3 Councilmember. Alternatively, Council could vote to approve the candidate receiving the majority of votes.

Motion: Councilmember Bien Doan requested to proceed with six votes as the majority threshold. Councilmember George Casey seconded the motion.

Mayor Mahan announced that this would now be the appropriate time for Councilmembers to ask any final questions or provide final discussion for either of the candidates.

District1

Councilmember Rosemary Kamei asked the following question to the remaining two applicants: What would you do in collaboration with the County to better bridge the relationship in order to get stuff done?

District 8

Councilmember Domingo Candelas asked the following question to the remaining two applicants: What actions can the City take to alleviate the pressures associated with the high cost of living in San José?

Mayor

Mayor Matt Mahan asked the following question to the remaining two applicants: What are your thoughts when weighing in the upcoming budget challenges, including limited Measure E funding?

Motion: Upon motion by Councilmember Bien Doan, seconded by Councilmember George Casey, the motion to proceed with six votes as the majority threshold, *did not pass for a lack of yes votes.* (4-6-0; Noes: Kamei, Cohen, Ortiz, Candelas, Campos, Mulcahy)

Ballots were redistributed to Council for another round of voting.

Carl Eugene Salas received six votes; Jahmal Williams received four votes.

Action: Upon motion by Councilmember George Casey, seconded by Councilmember Bien Doan, the motion passed to consider using six votes as the majority in selecting the interim District 3 Councilmember. (7-3-0; Noes: Ortiz, Candelas, Campos).

Carl Eugene Salas was appointed as the interim District 3 Councilmember, with a term to begin February 2, 2025, and end when a candidate has been duly elected in the next regularly scheduled election and the results of the election have been officially certified.

4. PUBLIC SAFETY SERVICES

No items provided.

5. TRANSPORTATION & AVIATION SERVICES

5.1 Airport Parking Garage and Surface Lot Management Services at the San Jose Mineta International Airport. - HEARD IMMEDIATELY AFTER ITEM 10.1

Adopt a resolution authorizing the City Manager or her designee to:

- (a) Negotiate and execute the third amendment to the existing agreement with SP Plus Corporation (Chicago, IL) for Airport Parking Garage and Surface Lot Maintenance Services at San Jose Mineta International Airport;
- (b) Increase the maximum compensation by \$32,172,222 resulting in an increase of the total not to exceed amount from \$25,157,809 to \$57,330,031, subject to the appropriation of funds;
- (c) Negotiate and execute amendments and/or change orders with a not-to-exceed amount for contingencies of \$3,217,222 for unanticipated changes such as changes to the list of parking facilities, service levels, and in-scope augmentations to the service offerings, subject to the appropriation of funds; and
- (d) Extend the term of the agreement and exercise five additional one-year option terms, resulting in a total of five one-year options to extend the potential term of the agreement starting on February 1, 2025 and ending on or about January 31, 2030, subject to the appropriation of funds.

CEQA: Not a Project, File No. PPI 7-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance/Airport)

No presentation provided.

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **Resolution RES2025-15** was adopted, authorizing the City Manager or her designee to: (a) Negotiate and execute the third amendment to the existing agreement with SP Plus Corporation (Chicago, IL) for Airport Parking Garage and Surface Lot Maintenance Services at San Jose Mineta International Airport; (b) Increase the maximum compensation by \$32,172,222 resulting in an increase of the total not to exceed amount from \$25,157,809 to \$57,330,031, subject to the appropriation of funds; (c) Negotiate and execute amendments and/or change orders with a not-to-exceed amount for contingencies of \$3,217,222 for unanticipated changes such as changes to the list of parking facilities, service levels, and in-scope augmentations to the service offerings, subject to the appropriation of funds; and (d) Extend the term

of the agreement and exercise five additional one-year option terms, resulting in a total of five one-year options to extend the potential term of the agreement starting on February 1, 2025 and ending on or about January 31, 2030, subject to the appropriation of funds. (10-0-0)

6. ENVIRONMENTAL & UTILITY SERVICES

No items provided.

7. NEIGHBORHOOD SERVICES

No items provided.

8. COMMUNITY & ECONOMIC DEVELOPMENT

No items provided.

9. REDEVELOPMENT – SUCCESSOR AGENCY

No items provided.

10. LAND USE

10.1(a) Land Use on Consent Calendar

C23-118 & H23-035 - Conforming Rezoning and a Site Development Permit for Certain Real Property Located at 130 Stockton Avenue. - **HEARD IMMEDIATELY AFTER CONSENT**

- (1) Adopt a resolution adopting an Addendum to the Downtown Strategy 2040 Final Environmental Impact Report, in accordance with the California Environmental Quality Act, as amended.
 - (2) Approve an ordinance rezoning that certain real property of an approximately 1.72-gross-acre site located on the northeasterly side of Stockton Avenue approximately 230 feet northwest of West Santa Clara Street (130 Stockton Avenue; APN: 259-28-046) from the A(PD) Planned Development Zoning District to the DC Downtown Primary Commercial Zoning District.
 - (3) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the conversion of approximately 22,051 square feet of existing upper-level commercial space into 16 new multifamily residential units (including 10 live/work units) within an existing seven-story mixed-use residential building on an approximately 1.72-gross-acre site.
- CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942). Council District 6. (Planning, Building and Code Enforcement)

No presentation provided.

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember George Casey, and carried unanimously, (a)(1) **Resolution No. RES2025-16** was adopted, adopting an Addendum to the

Downtown Strategy 2040 Final Environmental Impact Report, in accordance with the California Environmental Quality Act, as amended; (a)(2) **Ordinance No. 31174** was passed for publication, rezoning that certain real property of an approximately 1.72-gross-acre site located on the northeasterly side of Stockton Avenue approximately 230 feet northwest of West Santa Clara Street (130 Stockton Avenue; APN: 259-28-046) from the A(PD) Planned Development Zoning District to the DC Downtown Primary Commercial Zoning District; and (a)(3) **Resolution No. RES2025-17** was adopted; approving, subject to conditions, a Site Development Permit to allow the conversion of approximately 22,051 square feet of existing upper-level commercial space into 16 new multifamily residential units (including 10 live/work units) within an existing seven-story mixed-use residential building on an approximately 1.72-gross-acre site. (10-0-0)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

• Open Forum

1. Joel Chew addressed liabilities regarding the Arena Hotel, where the City is providing housing to unhoused individuals, and discussed dangerous incidents that occurred at the Arena Hotel, such as a physical assault that he encountered.

• Adjournment

The Council of the City of San José adjourned at 7:27 p.m. in memory of Warren Eric Upton, who passed away on December 25, 2024. Warren Upton, a longtime San Jose resident and 105-year-old World War II Veteran, was the oldest living survivor of the 1941 attack on Pearl Harbor. Mr. Upton's bravery and dedication to his Naval service exemplify the spirit of service we honor today.

Minutes Recorded, Prepared and Respectfully Submitted by,

DRAFT

Daniel Aguilar
Deputy City Clerk, City of San José

Approved at Council on:

of Actions: 7

Attest By:

Toni J. Taber, MMC
City Clerk, City of San José

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

January 28, 2025

The Council of the City of San José convened into Closed Session at 9:30 a.m. The meeting was held in Council Chambers Conference Room, W133.

Present: Councilmembers - Mahan, Kamei, Campos, Cohen, Ortiz,
Mulcahy, Doan, Candelas, Foley, Casey.

Absent: Councilmembers - All present.

Item(s) to be discussed:

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

1. Case Name: In re: Claim of Johst
Name(s) of Party(ies)
Court: Worker's Compensation Appeals Court
Case No: ADJ11113070, ADJ13193186, ADJ2298524
ADJ4293243, and ADJ1227817
Amount of Money or Other Relief Sought: Benefits
2. Case Name: In re: Claim of Black
Name(s) of Party(ies)
Court: Worker's Compensation Appeals Court
Case No: ADJ15615269, ADJ15615263. ADJ15615306,
ADJ19112481, ADJ13819904, and
ADJ16674820
Amount of Money or Other Relief Sought: Benefits
3. Case Name: Johnson, Kyle v. City of San Jose
Name(s) of Party(ies) JOHNSON, KYLE, CITY OF SAN JOSE,

JAMES ADGAR

Court: United States District Court, Northern District of California, San Jose Division

Case No: 5:21-cv-01849-BLF

Amount of Money or Other Relief Sought: Damages according to proof

4. Case Name: Paredes, Anthony v. City of San Jose, et al.

Name(s) of Party(ies) ANTHONY PAREDES, CITY OF SAN JOSE, OFFICERS MICHAEL JEFFREY, KYLE ALLEMAN, BRET HATZENBUHLER, AND SHAYNA NAIL

Court: Northern District of CA – San Jose Division

Case No: 5:22-cv-00758-PCP

Amount of Money or Other Relief Sought: Damages according to proof

5. Case Name: Tovar, David Sr., et al. v. City of San Jose, et al.

Name(s) of Party(ies) DAVID TOVAR, SR., D.T.M., J.M., AND D.T.; CITY OF SAN JOSE, SERGEANT MAURICIO JIMENEZ, OFFICER HANS JORGENSEN, OFFICER JAMES SOH, OFFICER ALVARO LOPEZ, AND OFFICER TOPUI FONUA

Court: U.S. District Court, Northern District of California

Case No: 21-cv-02497

Amount of Money or Other Relief Sought: Damages according to proof

6. Case Name: Vee, Ryoga v. City of San Jose

Name(s) of Party(ies) RYOGA VEE, CITY OF SAN JOSE

Court: Santa Clara Superior Court

Case No: 21CV385105

Amount of Money or Other Relief Sought: Damages according to proof

7. Case Name: West Valley Citizens for Responsible Development v. City of San Jose
Name(s) of Party(ies) WEST VALLEY CITIZENS FOR RESPONSIBLE DEVELOPMENT, CITY OF SAN JOSE, COSTCO WHOLESALE CORPORATION
Court: Superior Court of Santa Clara County
Case No: 24CV452169

Amount of Money or Other Relief Sought: Damages according to proof

8. Case Name: California Waste Solutions, Inc. v. City of San Jose
Name(s) of Party(ies) CALIFORNIA WASTE SOLUTIONS INC., CITY OF SAN JOSE
Court: United States District Court, Northern District of California
Case No: 23-cv-01647-MMC

Amount of Money or Other Relief Sought: Damages according to proof

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(1) of the Government code:

Number of matter(s) to be discussed: 3